

Remarks

After amendment, claims 3-9 and 12-24 are pending in the present application, claims 1-2 and 10-11 having been cancelled previously. Claims 1-2 and 10-11 were cancelled *without prejudice* pursuant to the Examiner's restriction requirement and Applicants' election. The presently pending claims have been amended to address the Examiner's concerns regarding the formalistic nature of the presentation of the claims. Applicants previously amended the claims of the instant application with the intention of filing a divisional application directed to the presently cancelled subject matter. This amendment is made to place the present application in condition for allowance by addressing the Examiner's objections and 35 U.S.C. §112 rejections.

Claims 3, 6 and 22 have been amended to address the formalistic nature of the Examiner's concerns. No new matter has been added by way of this amendment.

The Examiner has rejected or objected to the previously filed claims under 35 U.S.C. §112, second paragraph for the reasons which are set forth in the office action at pages 2-4. For the reasons which are presented in the sections which follow, it is respectfully submitted that the instant application is now in condition for allowance and such action is earnestly solicited.

The Objection to Claim 3

The Examiner object to previously filed claim 3 because that claim contains a heterocyclic structure which the Examiner contends may not be examined given the restriction requirement imposed on prosecution on this application. In order to obviate this rejection, Applicants have amended claim 3 by deleting any reference to a heterocyclic structure. The objected to structure has been deleted from claim 3. It is respectfully submitted that claim 3 now has a scope in compliance with the Examiner's restriction requirement and Applicants' election.

The 112, Second Paragraph Rejections

The Examiner has rejected pending claims 4-9, 12 and 14-22 under 35 U.S.C. §112, second paragraph as being indefinite for the reasons which are detailed in the pending office action on pages 3-4. In applicable instances, Applicants have amended the previously filed claims to address each of the concerns the Examiner raises in the office action on pages 3-4. Note that Applicants have not amended the term “substituted phenyl” in claims 6, 8 and 9 or the term the term “blocking group” in claim 12, because Applicants strongly believe that these terms have been appropriately used and provide definition to the claims sufficient to meet the statutory requirements of 35 U.S.C. §112, second paragraph.

In particular, claim 6 has been amended to delete the phrase “in steps”. In claims 6 and 8-9, which are dependant on claim 12, the term “substituted phenyl” in claim 12 is clearly set forth as the following:

“substituted phenyl group wherein the substituted phenyl group is substituted in one instance at the ortho, meta or para position of the phenyl group with a C₁-C₄ alkyl group, a halogen (F, Cl, Br, I) a nitro group, an amine, hydroxyl, a C₁-C₄ alkyl ester, a C₁-C₄ alkylether or acyl group”

Given that the term “substituted phenyl” refers to the “substituted phenyl” from claim 12, which is clearly defined, it is respectfully submitted that claims 6, 8 and 9 are proper and meet the requirements of 35 U.S.C. §112, second paragraph.

Turning to the definiteness of the term “blocking group”, Applicants view that term as being sufficiently defined to meet the requirements of 35 U.S.C. §112, second paragraph. It is noted that Applicants have used that term as it is used conventionally in synthetic organic

chemistry, i.e., to describe a chemical group which is itself non-reactive to one or more synthetic chemical steps and prevents a "blocked" moiety from participating in those same reactions, but which can be removed to allow the blocked moiety to participate in subsequent reactions. The term "blocking group" is thus used in a manner which provides clear definition to the claimed subject matter. Blocking groups are well known in the art and are utilized routinely in synthetic chemistry. Lists of chemical blocking groups are readily available in numerous literature references. It is respectfully submitted that the term "blocking group" is sufficiently narrow and well defined to be in full compliance with the requirements of 35 U.S.C. §112, second paragraph. Applicants respectfully request the Examiner to withdraw his rejection on this issue.

Seprately, in claim 22, Applicants have deleted the term silyl-containing blocking group and have inserted two silyl blocking groups in its place.

Applicants respectfully submit that the claims as amended are now in full compliance with the requirements of 35 U.S.C. §112, second paragraph.

For the above reasons, Applicants respectfully assert that the claims set forth in the present amendment are now in compliance with 35 U.S.C. Applicants respectfully submit that the present application is now in condition for allowance and such action is earnestly solicited.

Applicant have neither added nor cancelled any claim. No fee is therefore due for the presentation of this amendment. A petition for a one month extension of time is enclosed as is a check in the amount of \$60 for the extention of time. Small entity status is claimed for the present application.

Please credit any overpayment or charge any additional fee due to Deposit Account No. 04-0838. Should the Examiner wish to speak with the undersigned attorney in order to advance prosecution of the instant application, he is cordially requested to do so at the below-listed telephone number.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By 

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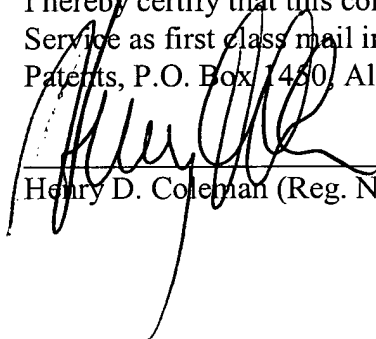
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Dated: February 11, 2008

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 11, 2008.


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